



General Assembly

February Session, 2016

Raised Bill No. 5371

LCO No. 1543



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

***AN ACT CONCERNING A MINIMUM WORKWEEK FOR PERSONS
PERFORMING BUILDING MAINTENANCE SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) For purposes of this
2 section:

3 (1) "Building maintenance service" means work performed in
4 connection with the care or maintenance of buildings, including, but
5 not limited to, work customarily performed by cleaners, porters,
6 janitors, handypersons and security guards;

7 (2) "Covered employee" means any person performing building
8 maintenance service in or about a covered location. "Covered
9 employee" does not include any person providing building
10 maintenance service in or about a covered location on a temporary
11 basis to replace another covered employee who is taking covered
12 leave;

13 (3) "Covered employer" means any person, firm, business,

14 educational institution, nonprofit agency, corporation, limited liability
15 company or other entity, including the state or any political
16 subdivision thereof, that (A) directly employs at least one covered
17 employee, (B) contracts or subcontracts for the services of at least one
18 covered employee, (C) owns or operates a covered location, or (D)
19 leases any portion of a covered location and (i) directly employees at
20 least one covered employee, or (ii) contracts or subcontracts for the
21 services of at least one covered employee;

22 (4) "Covered leave" means any paid or unpaid temporary leave
23 voluntarily taken by a covered employee pursuant to (A) any
24 applicable state or federal law, (B) any written employee handbook, or
25 (C) written request initiated by the covered employee;

26 (5) "Covered location" means (A) an office building having an area
27 of not less than one hundred thousand square feet, (B) a private or
28 public institution of higher education, or (C) a museum, as defined in
29 section 11-80 of the general statutes;

30 (6) "Minimum workweek" means the minimum number of
31 compensated hours provided to a covered employee in any workweek,
32 except for weeks in which the covered employee is taking covered
33 leave;

34 (7) "Office building" means (A) an industrial, commercial or
35 business facility, (B) a continuous, commonly owned office park, or (C)
36 a group of office buildings that (i) have common ownership or
37 management, and (ii) are contiguous or have consecutive address; and

38 (8) "Workweek" means a fixed, regularly recurring period of one
39 hundred sixty-eight hours or seven consecutive twenty-four-hour
40 periods.

41 (b) On and after January 1, 2017, the minimum workweek for a
42 covered employee shall be thirty hours per workweek.

43 (c) Each covered employer shall provide notice to each covered
44 employee (1) of the entitlement to a minimum workweek, and (2) that
45 the covered employee has a right to file a complaint with the Labor
46 Commissioner for any violation of this section. A covered employer
47 may comply with the provisions of this section by displaying a poster
48 in a conspicuous place, accessible to covered employees, at the covered
49 location and the covered employer's place of business that contains the
50 information required by this section in both English and Spanish. The
51 Labor Commissioner may adopt regulations, in accordance with
52 chapter 54 of the general statutes, to establish additional requirements
53 concerning the means by which covered employers shall provide such
54 notice.

55 (d) Any covered employee aggrieved by a violation of the
56 provisions of subsection (b) or (c) of this section may file a complaint
57 with the Labor Commissioner. Upon receipt of any such complaint,
58 said commissioner may hold a hearing. After the hearing, any covered
59 employer who is found by the Labor Commissioner, by a
60 preponderance of the evidence, to have violated the provisions of
61 subsection (b) of this section shall be liable to the Labor Department for
62 a civil penalty of up to five hundred dollars for the first violation and
63 up to one thousand dollars for any subsequent violation. Any covered
64 employer who is found by the Labor Commissioner, by a
65 preponderance of the evidence, to have violated the provisions of
66 subsection (c) of this section shall be liable to the Labor Department for
67 a civil penalty of up to one hundred dollars for each day that such
68 covered employer fails to post notice, provided such penalty shall not
69 exceed five hundred dollars. The Labor Commissioner may award the
70 covered employee all appropriate relief, including, but not limited to,
71 reinstatement, payment of back wages, any medical costs incurred
72 during the period of time the covered employee was entitled to and
73 denied the minimum workweek, liquidated damages in an amount not
74 to exceed one hundred dollars per day for each day the covered
75 employer was in violation of the provisions of this section and

76 reasonable attorney's fees. Any party aggrieved by the decision of the
77 commissioner may appeal the decision to the Superior Court in
78 accordance with the provisions of chapter 54 of the general statutes.

79 (e) It shall be a violation of this section for any covered employer to
80 discharge or cause to be discharged, or in any other manner
81 discriminate against any covered employee because such covered
82 employee has (1) filed any charge, or has instituted or caused to be
83 instituted any proceeding, under or related to this section; (2) given, or
84 is about to give, any information in connection with any inquiry or
85 proceeding relating to any right provided under this section; or (3)
86 testified, or is about to testify, in any inquiry or proceeding relating to
87 any right provided under this section.

88 (f) It shall be a violation of this section for any covered employer to
89 (1) hinder or delay the commissioner or the commissioner's authorized
90 representative in the performance of the commissioner's or the
91 commissioner's authorized representative's duties in the enforcement
92 of this section; or (2) refuse to submit to the commissioner or the
93 commissioner's authorized representative any reports or refuse to
94 make available to the commissioner or the commissioner's authorized
95 representative any records required by him or her in investigating the
96 covered employer for purposes of this section.

97 (g) The Labor Commissioner shall administer this section within
98 available appropriations.

99 (h) The provisions of this section shall not apply to any covered
100 employee performing building maintenance service at a covered
101 location pursuant to a contract for building maintenance service that
102 (1) is intended to create janitorial work job opportunities for persons
103 with a disability, as defined in section 4a-82 of the general statutes, and
104 (2) is in conformity with state and federal statutes and regulations
105 regarding the employment of persons with a disability.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2016</i>	New section
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Statement of Purpose:

To institute a minimum workweek of thirty hours for certain individuals who perform building maintenance service.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]